

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ZIA SHADOWS, L.L.C., et al.,

Plaintiffs,

v.

CV 09-0909 MV/WPL

CITY OF LAS CRUCES, et al.,

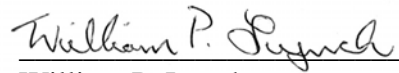
Defendants.

**ORDER GRANTING DEFENDANT’S MOTION TO COMPEL**

This matter comes before me on Defendant City of Las Cruces’ (“the City”) Motion to Compel Production of Records from Robert McMullan Insurance Agency (“RMIA”). (Doc. 91.) The City subpoenaed records from RMIA on August 20, 2012, instructing RMIA to produce the records by September 7, 2012. (Doc. 91 Ex. A.) RMIA failed to produce the records, and it does not appear as if they provided the City with written objections to the subpoena pursuant to the Federal Rules of Civil Procedure. *See* FED. R. CIV. P. 45(c)(2)(B). On September 21, 2012, the City filed this motion pursuant requesting an order compelling the production of records from the Custodian of Records of RMIA and served a copy on RMIA. (Doc. 91 at 1-2.) Under Rule 45(c)(2)(B)(i), a serving party may compel a non-party to produce records.

Under the Local Rules, the failure to file a response brief constitutes consent to grant the motion. *See* D.N.M.LR-Civ. 7.1(b). RMIA was served a copy of this motion (Doc. 91 at 2), but it did not object or oppose it in any way; likewise, Plaintiffs did not file a response in opposition. Accordingly, I grant the City’s motion. (Doc. 91.) RMIA is ordered to fully comply with the City’s subpoena (Doc. 91 Ex. A) within fourteen days from the entry of this order.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "William P. Lynch", is written over a horizontal line.

William P. Lynch  
United States Magistrate Judge

A true copy of this order was served  
on the date of entry--via mail or electronic  
means--to counsel of record and any pro se  
party as they are shown on the Court's docket.